

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CR No.900 of 2017
Date of decision:28.2.2017

Shalini Gulati

...Petitioner

Versus

Sharda Gulati and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Arvind Kashyap, Advocate for the petitioner.
Mr.Anuj Rauta, Advocate for respondents No.1 and 3
Mr.Vikas Cuccria, Advocate for U.T. Chandigarh.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 20.1.2017 (Annexure P-1) passed by the learned trial Court, closing the evidence of the plaintiff-petitioner, she has approached this Court by way of present civil revision petition under Article 227 of the Constitution of India.

Notice of motion was issued and in the meantime, learned trial Court was directed to adjourn the case beyond the date fixed before this Court.

Reply on behalf of respondents No.1 and 3 filed in the Court today is taken on record and copy thereof has been supplied to the learned counsel for the petitioner.

Heard learned counsel for the parties.

A bare perusal of the impugned order would show that very many opportunities had already been granted to the petitioner to conclude her evidence, however, she failed to do so. Learned counsel for the petitioner submits that plaintiff-petitioner herself and one more witness are to be examined and she will conclude her remaining evidence only on one date and she will not pray for any further opportunity thereafter. He also

submits that petitioner is ready to compensate defendants-respondents No.1 and 3 by payment of reasonable costs.

It is the settled principle of law that rules of procedure are meant for advancing the cause of justice. Every court of law must make an endeavour to grant reasonable opportunity to both the parties to the litigation to put up their best case before the court. No party should be forced to go home with the grievance that it was denied reasonable opportunity by the court to put up its best case.

Keeping all these parameters in view and also to do complete and substantial justice between the parties, it would be in the interest of justice to grant one last and final opportunity to the petitioner-plaintiff to conclude her remaining evidence, subject to payment of reasonable costs to defendants No.1 and 3. However, it is made clear that if the petitioner fails to conclude her remaining evidence after availing one effective opportunity, she shall not be entitled for any further opportunity for leading her remaining evidence. In this view of the matter, the impugned order is hereby set aside.

Learned trial court is directed to grant one more effective opportunity to the petitioner to conclude her remaining evidence, however, subject to payment of Rs.30,000/- as costs by the petitioner to the defendants No.1 and 3.

Learned counsel for contesting respondents No.1 and 3 fairly states that let the petitioner pay an amount of Rs.30,000/- as costs by way of bank draft in the name of Smt. Sharda Gulati-respondent No.1 herein.

Learned counsel for the parties are *ad idem* that next date of

hearing before the learned trial Court is 8.3.2017. Let parties put appearance before the learned trial Court on 8.3.2017. On that day, learned trial Court shall adjourn the case by passing an appropriate order, granting one effective opportunity to the plaintiff-petitioner herein to conclude her remaining evidence, subject to payment of Rs.30,000/- as costs, as indicated above.

Resultantly, with the above-said observations made and directions issued, the instant civil revision petition stands disposed of, however, with no order as to costs, qua this petition.

28.2.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No